KIGALI INDEPENDENT UNIVERSITY (ULK)

SCHOOL OF LAW

DEPARTMENT OF LAW

ANALYSIS OF RWANDA LEGAL SYSTEM IN THE IMPLEMENTATION OF INTERNATIONAL CRIMINAL LAW VIS-À-VIS INTERNATIONAL CRIMINAL LAW STANDARDS.

This is a final project submitted in partial fulfilment of the academic requirements for the award of the Bachelor's Degree in Law (LLB) at Kigali Independent University (ULK).

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Kigali, September 2024

APPROVAL

This dissertation entitled ":**ANALYSIS OF RWANDA LEGAL SYSTEM IN THE IMPLEMENTATION OF INTERNATIONAL CRIMINAL LAW VIS-À-VIS INTERNATIONAL CRIMINAL LAW STANDARDS**", was written and submitted by Henriette UMUTONIWASE in partial fulfilment of the requirements for the award of Bachelor's Degree in Law (LLB) is hereby accepted andapproved.

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Signature …….

Date ……

DECLARATION

I, Henriette UMUTONIWASE, hereby declare that this Final Research Report is my original work performed in partial fulfillment of the academic requirements forthe award of the degree Bachelor of Laws (LLB) at Kigali Independent University. I also declare that this Report has not been previously presented elsewhere for an academic award.

All references made from other people's work are acknowledged in the footnote and bibliography.

Student signature.....

DEDICATION

I dedicate this work to Almighty GOD, to my family especially my Dad and friends who supported me through the whole journey. I also thank all ULK academic Staff for this practical and delightful requirement, and all my lecturers for their support and commitment.

I also present my specific gratitude towards my supervisor Me. BAHATI VEDASTE for tirelessly, and patiently committing to helping me work hard and ensuring that I end up with such a presentable piece.

Again, to all of you, thank you so much.

ACKNOWLEDGEMENTS

I would like to present my sincere gratitude to all the people who assisted me in carrying out this work in all the ways. Either through discussion and advice on the content of this dissertation. For the ULK too for being a very supportive environment, particularly the School of Law, to have given us opportunity to navigate through our topics of interests. It is of much interest to us student and we never take this for granted.

To my supervisor Me. BAHATI VEDASTE, again thank you for your selfless commitment and much help. I have been inspired by your energy and ethics; I have learned much fromyour daily feedbacks.

Blessings!

Henriette UMUTONIWASE

List of abbreviations and acronyms

APIC: Agreement on Privileges and Immunities of the ICC

Art: Article

AU: African Union

CAT: Committee Against Torture

CLE: Continuing Legal Education

FIDH: International Federation for Human Rights

ICC: International Criminal Court

ICCPR: International Covenant on Civil and Political Rights

ICTR: International Criminal Tribunal for Rwanda

ICTY: International Criminal Tribunal for the Former Yugoslavia

ILPD: The Institute of Legal Practice and Development

IMF: International Monetary Fund

NGOs: Non-Governmental Organization

No: Number

NPPA: National Public Prosecution Authority

R2P: Responsibility to Protect

RPF: Rwandan Patriotic Front

UN: United Nations

UNHRC: United Nations Human Rights Council

v: versus

WTO: World Trade Organization

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GENERAL INTRODUCTION

I.1 Background of the study

The implementation of international criminal law has been a significant focus of the international community since the end of World War II. The Nuremberg and Tokyo trials set precedents for holding individuals accountable for international crimes. This momentum culminated in the establishment of the International Criminal Court (ICC) through the Rome Statute in 1998, which came into force in 2002. The ICC has jurisdiction over genocide, crimes against humanity, war crimes, and the crime of aggression, as defined in Articles 6-8bis of the Rome Statute. However, the ICC operates on the principle of complementarity, meaning it only intervenes when national courts are unwilling or unable to prosecute, as stated in Article 17 of the Rome Statute[1]. This principle aims to respect state sovereignty while ensuring accountability for international crimes.

In Africa, the implementation of international criminal law has been complex and sometimes contentious. The African Union (AU) has established its own mechanisms, such as the African Court on Human and Peoples' Rights. In 2014, the AU adopted the Malabo Protocol, which aims to extend the jurisdiction of the African Court to include international crimes. Article 28A of the Protocol lists crimes including genocide, crimes against humanity, and war crimes, aligning with international standards but also including additional offenses like unconstitutional change of government[2]. However, the Protocol has faced criticism for including an immunity clause for sitting heads of state in Article 46A bis, which contradicts the principle of individual criminal responsibility in international law.

Rwanda's approach to implementing international criminal law has been significantly shaped by its experience of the 1994 genocide. In the aftermath, Rwanda established the National Service of Gacaca Jurisdictions through Organic Law No. 40/2000 of 26/01/2001. The Gacaca courts, based on a traditional dispute resolution system, were adapted to try genocide

[1] See Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, arts 6-8bis, 17.
[2] See Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (adopted 27 June 2014) AU Doc Assembly/AU/Dec.529(XXIII), arts 28A, 46A bis.

cases. While this system allowed for faster processing of cases, it has been criticized for not fully adhering to international fair trial standards[3].

Rwanda has also reformed its Penal Code to incorporate international crimes. The 2012 Penal Code, in its Article 114, defines genocide in line with the Convention on the Prevention and Punishment of the Crime of Genocide. Articles 120-128 cover crimes against humanity, largely aligning with the Rome Statute definitions. However, Rwanda has not ratified the Rome Statute, citing concerns about sovereignty and potential political misuse of the ICC[4].

Rwanda has also enacted laws to facilitate cooperation with other states in prosecuting international crimes. The Organic Law No. 47/2013 of 16/06/2013 on Transfer of Cases to the Republic of Rwanda allows Rwanda to receive cases from the ICTR and other states. This law includes provisions to ensure fair trials and prohibits the death penalty, addressing international concerns about Rwanda's justice system[5].

These measures demonstrate Rwanda's efforts to implement international criminal law while maintaining control over its legal processes. The tension between international standards and national sovereignty is evident in Rwanda's selective adoption of international norms and its emphasis on domestic solutions. This background sets the stage for a critical evaluation of Rwanda's approach, examining how effectively it balances international obligations with national priorities in the realm of international criminal law.

I.2 Interest of the study

The section I.2 elaborates on the interest of the study. It demonstrates on scientific interest, academic interest as well as the personal interest.

I.2.1 Scientific interest

This study contributes to the broader field of international criminal law by providing a detailed analysis of how a post-conflict state navigates the complex landscape of international justice norms.

[3] See Organic Law No. 40/2000 of 26/01/2001 Setting up Gacaca Jurisdictions and Organizing Prosecutions for Offences Constituting the Crime of Genocide or Crimes Against Humanity Committed between October 1, 1990 and December 31, 1994 (Rwanda).
[4] See Organic Law No. 01/2012/OL of 02/05/2012 instituting the Penal Code (Rwanda), arts 114, 120-128.
[5] SeeOrganic Law No. 47/2013 of 16/06/2013 relating to the transfer of cases to the Republic of Rwanda (Rwanda).

It offers insights into the practical challenges of implementing international criminal law in a national context, potentially informing theoretical discussions on the interplay between state sovereignty and international legal obligations.

I.2.2 Academic interest

From an academic perspective, this research fills a gap in the literature by providing a comprehensive and up-to-date assessment of Rwanda's approach to international criminal law. It offers a case study that can be valuable for comparative legal studies and for understanding the evolution of international criminal justice in Africa. The findings could be useful for scholars, policymakers, and students interested in international criminal law, transitional justice, and African legal systems.

I.2.3 Personal interest

As a final year law student, this research provides an opportunity to delve deeply into a complex and evolving area of international law. It allows for the application of theoretical knowledge to a real-world context, enhancing understanding of the practical challenges in implementing international criminal law. This study also offers valuable experience in conducting legal research and analysis, skills that will be crucial for future academic or professional endeavors in the field of international criminal law.

I.3 Delimitation

The section I.7 provides on the three delimitations of the study. These are delimitation of time, delimitation of space, and delimitation of domain.

I.3.1 Delimitation of time

This study is delimited to the period from the aftermath of the 1994 genocide against Tutsi up to the end of 2024. This timeframe encompasses the establishment and operation of the International Criminal Tribunal for Rwanda (ICTR), the implementation of the Gacaca court system, and subsequent legal reforms in Rwanda. The end date of 2024 is chosen to coincide with the anticipated completion of this research, allowing for the inclusion of the most recent developments in Rwanda's approach to international criminal law implementation.

I.3.2 Delimitation of domain

This research is situated within the domain of Public International Law, specifically focusing on International Criminal Law. It critically analyzes Rwanda's implementation of international criminal law concepts, which are fundamental components of the broader field of public international law. The study examines the intersection of national and international legal norms, the principle of complementarity, and the tension between state sovereignty and international criminal justice standards.

I.3.3 Delimitation of space

The study is geographically delimited to Rwanda's criminal justice system in relation to international criminal law standards. While it considers the broader context of international criminal justice and African regional mechanisms, the primary focus is on Rwanda's domestic legal framework, institutions, and practices. This includes an examination of Rwanda's national courts, the Gacaca system, and the country's interaction with international tribunals and foreign jurisdictions in matters of international criminal law.

I.4 Problem Statement

Despite Rwanda's efforts to implement international criminal law concepts and reform its legal system in the wake of the 1994 genocide, significant tensions persist between the country's desire to maintain legal sovereignty and the pressure to conform to international criminal law standards. This tension has resulted in a number of gaps and inconsistencies in Rwanda's approach to international criminal justice, which merit critical evaluation.

Furthermore, Rwanda's domestic prosecutions of international crimes have faced criticism for falling short of international fair trial standards. The Gacaca court system, while innovative in addressing the vast number of genocide cases, has been criticized for lacking due process protections. In the case of Munyakazi v. the Prosecutor, the ICTR initially denied transfer of the accused to Rwanda, citing concerns about the independence of the Rwandan judiciary and witness protection. Although Rwanda subsequently amended its laws to address these concerns, questions remain about the practical implementation of these legal safeguards[6].

[6] See Prosecutor v. Yussuf Munyakazi (Decision on the Prosecutor's Request for Referral of Case to the Republic of Rwanda) ICTR-97-36-R11bis (28 May 2008).

Additionally, Rwanda's refusal to ratify the Rome Statute of the International Criminal Court (ICC) highlights its reluctance to fully engage with the international criminal justice system. This decision limits Rwanda's ability to shape international criminal law from within the ICC system and potentially leaves gaps in accountability for future international crimes committed on Rwandan territory or by Rwandan nationals[7].

The case of Pascal Simbikangwa, tried in France under universal jurisdiction for his role in genocide against Tutsi, further illustrates the challenges in Rwanda's approach. While Rwanda cooperated with the French investigation, the need for a foreign court to try a Rwandan national for crimes committed in Rwanda raises questions about the capacity and willingness of the Rwandan justice system to handle complex international criminal cases fully in line with international standards[8].

These examples demonstrate that despite progressive legal reforms and mechanisms established in Rwanda, significant gaps remain in the country's implementation of international criminal law standards. The tension between preserving national sovereignty and adhering to international norms has resulted in a selective and sometimes inconsistent approach to international criminal justice. This problem necessitates a critical evaluation of Rwanda's strategy, examining how the country can better balance its sovereign interests with the imperative of upholding international criminal law principles.

I.5 Research questions

1. What are the challenges faced by Rwanda in balancing the implementation of international criminal law with its national interests and legal traditions?

2. What could be the potential legal and institutional mechanisms necessary for Rwanda to enhance its implementation of international criminal law while preserving its sovereignty?

[7] See Aimé Muyoboke Karimunda, 'The Challenges Posed to the International Criminal Court by the Implementation of the Death Penalty Provisions in the Penal Laws of Rwanda: Practical and Legal Considerations' (2016) 14 Journal of International Criminal Justice 103.
[8] See Cour d'assises de Paris, Pascal Simbikangwa case, Judgment of 14 March 2014.

I.6 Hypothesis of the research

1. Rwanda faces challenges in harmonizing its domestic legal system with international criminal law norms, particularly in areas of judicial independence, fair trial standards, and comprehensive prosecution of international crimes.

2. Potential mechanisms for improvement could include targeted legal reforms, enhanced judicial training, and increased engagement with international criminal justice institutions while maintaining key aspects of national sovereignty.

I.7 Research objectives

The section 1.7 highlights the objectives of the research. It contains both general and specific objectives.

I.7.1 General Objective

To critically evaluate Rwanda's approach to implementing international criminal law concepts, focusing on the tension between maintaining legal sovereignty and conforming to international standards.

I.7.2 Specific objectives

1. Exploring the challenges faced by Rwanda in balancing the implementation of international criminal law with its national interests and legal traditions.

2. Suggesting potential legal and institutional mechanisms necessary for Rwanda to enhance its implementation of international criminal law while preserving its sovereignty.

I.8 Research methodology

The section I.8 elaborates on the research methodology that was used to achieve the objectives of the research.

I.8.1 Research Techniques

The subsection I.8.1 specifically demonstrates how the research used the research techniques.

I.8.1.1 Documentary Techniques

This research primarily employs documentary techniques, relying on a comprehensive review of primary and secondary sources. Primary sources will include Rwandan legislation, international treaties and conventions, court decisions from Rwandan courts, the ICTR, and other relevant jurisdictions. Secondary sources encompasses academic literature, including books, journal articles, and reports from international organizations and NGOs. This technique will ensure a thorough understanding of the legal framework and scholarly discourse surrounding Rwanda's implementation of international criminal law.

I.8.2 Research Methodology

The subsection I.8.2 demonstrates how the research used the research methodology.

I.8.2.1 Analytical Method

The analytical method was employed to critically evaluate Rwanda's approach to implementing international criminal law concepts. This method involves breaking down complex issues into their constituent parts for detailed examination. It was used to analyze the various elements of Rwanda's legal framework, institutional mechanisms, and specific cases to assess their alignment with international standards. The analytical method also helped identify patterns, inconsistencies, and areas of tension between national sovereignty and international norms.

I.8.2.2 Exegetic Method

The exegetic method was utilized to interpret and analyze legal texts relevant to the study. This includes close reading and interpretation of Rwandan laws, international treaties, and court decisions. The exegetic method was particularly useful in examining how Rwanda has incorporated international criminal law concepts into its domestic legislation and how these laws are interpreted and applied in practice. This method helped uncover nuances in legal

language and intent that may impact the implementation of international criminal law in Rwanda.

1.8.2.3 Comparative methods

The comparative methods was used where the researcher explored some jurisdictions like South Africa and Uganda for comparing then with Rwandan system to learn from the differences.

I.9 Subdivision of the study

This study is composed of four main chapters, excluding the general introduction:

Chapter provides a comprehensive overview of the key concepts and theories relevant to the study. It will explore the principles of international criminal law, the concepts of international criminal law, and the tension between these two in the context of implementing international criminal justice.

Chapter 2 critically examines the specific challenges Rwanda has encountered in its efforts to implement international criminal law concepts. It analyzes issues such as the tension between national and international justice mechanisms, the challenges of the Gacaca system, and the difficulties in aligning domestic legislation with international standards.

Chapter 3 explores possible solutions to the challenges identified in Chapter 2. It considers legal reforms, institutional changes, and potential mechanisms for better harmonizing Rwanda's approach with international criminal law standards while respecting national sovereignty.

The final chapter (chapter 4) synthesizes the findings of the previous chapters, drawing overall conclusions about Rwanda's approach to implementing international criminal law. It offers specific, actionable recommendations for improving Rwanda's alignment with international standards while maintaining its sovereign interests.

CHAPTER 1: THEORETICAL AND CONCEPTUAL FRAMEWORK

1.1 Introduction to International Criminal Law

International criminal law represents a significant development in the global legal landscape, aiming to hold individuals accountable for the most serious crimes of concern to the international community. This field of law has evolved dramatically over the past century, shaped by historical events, international treaties, and the establishment of various international tribunals and courts.

International criminal law has witnessed tremendous evolution, with its origins traceable to ancient societies where war crimes were considered offenses against the gods. This rudimentary form of accountability gradually evolved, especially after World War II, when crimes against humanity took on a more defined legal structure during the Nuremberg and Tokyo trials. These tribunals not only prosecuted high-ranking military officials but also set the foundation for future developments in international law, creating precedents that would influence later cases such as those tried by the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). This shift in jurisprudence was marked by a move towards ensuring that individual actors, rather than states, are held accountable for egregious violations of human rights.

A key feature of international criminal law is its focus on individual responsibility, an innovation that distances itself from the traditional state-centric approach of international law. Article 25 of the Rome Statute is critical in this regard, ensuring that individuals, irrespective of their official capacity, can be prosecuted for international crimes. This principle has been tested in various cases, including the Charles Taylor trial at the Special Court for Sierra Leone, where the former Liberian President was held accountable for crimes against humanity and war crimes. His conviction exemplified the strides made in affirming the responsibility of individuals for gross violations of international norms.

Furthermore, the establishment of the ICC signaled a new era of international criminal accountability, with its jurisdiction covering the most severe crimes, including genocide, crimes against humanity, and war crimes. The Rome Statute's enactment marked the culmination of decades of advocacy for a permanent international criminal court. Article 17 of the Rome Statute underscores the principle of complementarity, ensuring that the ICC

remains a court of last resort, intervening only when national courts are unwilling or unable to prosecute. The ICC's engagement in situations such as the Darfur conflict in Sudan demonstrates the international community's commitment to ending impunity, although the involvement of sitting heads of state, such as Sudan's Omar al-Bashir, has reignited debates about the boundaries of state sovereignty

In conclusion, the field of international criminal law remains dynamic, grappling with balancing individual accountability and state sovereignty. As legal scholars and practitioners continue to refine the principles underpinning this discipline, the challenge lies in ensuring that legal frameworks remain robust enough to address evolving forms of international crimes while preserving the essential aspects of state sovereignty. The ICC, despite its limitations, represents a crucial instrument in this endeavor, serving as both a legal and moral authority in the global pursuit of justice.

1.2 Definitions of the key concepts in line with international criminal law

The section 1.2 provides the definitions of the key concepts that are in line with the international criminal law.

1.2.1 International Criminal Law

According to Antonio Cassese, international criminal law is "a body of international rules designed both to proscribe certain categories of conduct (war crimes, crimes against humanity, genocide, torture, aggression, international terrorism) and to make those persons who engage in such conduct criminally liable. They consequently either authorize states, or impose upon them the obligation, to prosecute and punish such criminal conducts[9]." This definition emphasizes the dual nature of international criminal law as both prohibitive and punitive.

Gerhard Werle and Florian Jeßberger define international criminal law as "all norms that establish, exclude, or otherwise regulate responsibility for crimes under international law[10]." This broader definition encompasses not only substantive criminal law but also procedural aspects and principles governing international criminal justice.

[9] See Antonio Cassese, International Criminal Law (2nd edn, Oxford University Press 2008) 3.
[10] See Gerhard Werle and Florian Jeßberger, Principles of International Criminal Law (3rd edn, Oxford University Press 2014) 31.

1.2.2 Complementarity

According to the Rome Statute, complementarity is the principle that the International Criminal Court "shall be complementary to national criminal jurisdictions." This means that the ICC will only exercise its jurisdiction when states are unwilling or unable to genuinely carry out the investigation or prosecution of international crimes[11].

William Schabas defines complementarity as "a functional principle aimed at giving jurisdiction to a subsidiary body when the main body fails to exercise its primacy jurisdiction." This definition highlights the hierarchical relationship between national and international jurisdictions in the prosecution of international crimes[12].

1.2.3 Genocide

The Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group[13]."

The International Criminal Tribunal for Rwanda, in the Akayesu case, defined genocide as "the deliberate and systematic destruction, in whole or in part, of an ethnic, racial, religious or national group[14]." This definition emphasizes the intentional and systematic nature of the crime.

2.2.4 Crimes against humanity

The Rome Statute defines crimes against humanity as "any of the following acts when committed as part of a widespread or systematic attack directed against any civilian

[11] See Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, art 1.
[12] See William A Schabas, An Introduction to the International Criminal Court (4th edn, Cambridge University Press 2011) 190.
[13] See Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951) 78 UNTS 277, art 2.
[14] See Prosecutor v Akayesu (Judgment) ICTR-96-4-T (2 September 1998) para 495.

population, with knowledge of the attack," followed by a list of specific acts including murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecution, enforced disappearance, apartheid, and other inhumane acts[15].

The International Criminal Tribunal for the former Yugoslavia, in the Kunarac case, defined crimes against humanity as "serious acts of violence which harm human beings by striking what is most essential to them: their life, liberty, physical welfare, health, and or dignity. They are inhumane acts that by their extent and gravity go beyond the limits tolerable to the international community, which must perforce demand their punishment[16]."

1.2.5 War Crimes

The Rome Statute defines war crimes as, inter alia, "grave breaches of the Geneva Conventions of 12 August 1949" and "other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law[17]." The statute provides an extensive list of acts that constitute war crimes in both international and non-international armed conflicts.

The International Committee of the Red Cross defines war crimes as "serious violations of international humanitarian law (IHL) committed against civilians or enemy combatants during an international or domestic armed conflict, for which the perpetrators may be held criminally liable on an individual basis[18]." This definition emphasizes the connection between war crimes and violations of international humanitarian law.

1.2.6 Universal Jurisdiction

According to Amnesty International, universal jurisdiction allows states to prosecute individuals for serious crimes under international law, such as genocide and crimes against

[15] See Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, art 7(1).
[16] See Prosecutor v Kunarac, Kovac and Vukovic (Judgment) IT-96-23-T & IT-96-23/1-T (22 February 2001) para 504.
[17] See Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, art 8.
[18] See International Committee of the Red Cross, 'War Crimes' (ICRC, 29 October 2010) https://www.icrc.org/en/document/war-crimes-explainer accessed [insert date].

humanity, regardless of where the crime was committed or the nationality of the perpetrator or victim. This principle aims to prevent impunity for the most egregious crimes[19].

The International Court of Justice (ICJ) also defines universal jurisdiction as a mechanism that permits a state to claim criminal jurisdiction over an accused individual based on the nature of the crime, even if there is no territorial, national, or other connection to the prosecuting state[20].

1.2.7 Extradition

According to the UN Model Treaty on Extradition, extradition is the legal process by which one state surrenders an individual accused or convicted of a crime to another state where the crime was committed, to face trial or serve a sentence. Extradition is governed by bilateral or multilateral treaties and is essential for international cooperation in combating crime[21].

The European Convention on Extradition defines extradition similarly as the formal process where a requested state delivers a person who is charged with or convicted of a criminal offense in the requesting state, ensuring justice and preventing criminals from escaping punishment by fleeing abroad[22].

1.2.8 Gacaca Courts

According to the National Service of Gacaca Courts of Rwanda, the Gacaca courts were community-based tribunals created to deal with the crimes of genocide that took place in Rwanda in 1994. Their purpose was to promote justice, reconciliation, and healing by involving the local population in the process of addressing the atrocities committed during the genocide[23].

[19] See Amnesty International, Universal Jurisdiction: Questions and Answers (1999).
[20] See ICJ, Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v Belgium) (Judgment) [2002] ICJ Rep 3.
[21] See UN General Assembly, Model Treaty on Extradition (14 December 1990) A/RES/45/116.
[22] See European Convention on Extradition 1957 (adopted 13 December 1957, entered into force 18 April 1960) ETS No 024, art 1.

[23] See - National Service of Gacaca Courts, Gacaca Jurisdictions: Achievements, Problems and Future Prospects (2012).

In another context, the Gacaca courts are described by Human Rights Watch as an innovative, grassroots justice system aimed at addressing the backlog of genocide cases in Rwanda's formal judicial system. They provided a forum for truth telling, accountability, and community involvement in the reconciliation process[24].

1.2.9 Rome Statute

According to the United Nations, the Rome Statute is the treaty that established the International Criminal Court (ICC) in 1998. It provides the ICC with the legal authority to prosecute individuals for crimes of genocide, crimes against humanity, war crimes, and the crime of aggression[25].

The Rome Statute is also described by legal scholars as a foundational instrument of international criminal law, which not only defines the jurisdiction of the ICC but also outlines the substantive law governing international crimes and the procedures for investigation and trial[26].

1.2.11 International Criminal Court (ICC)

According to the ICC itself, the International Criminal Court is an independent international judicial institution that was established by the Rome Statute to prosecute individuals for the most serious crimes of international concern, such as genocide, war crimes, crimes against humanity, and the crime of aggression[27].

As defined by the United Nations, the ICC is a permanent court with global jurisdiction over the aforementioned crimes, aiming to end impunity for perpetrators and contribute to the prevention of such crimes worldwide[28].

[24] See Human Rights Watch, Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts (2011).
[25] See Rome Statute of the International Criminal Court 1998 (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90.
[26] See Antonio Cassese, International Criminal Law (3rd edn, OUP 2013).
[27] See International Criminal Court, 'About the Court' https://www.icc-cpi.int/about accessed 18 September 2024.
[28] See Rome Statute of the International Criminal Court 1998 (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90.

1.2.12 International Criminal Tribunal for Rwanda (ICTR)

According to the United Nations, the UN Security Council established the International Criminal Tribunal for Rwanda (ICTR) in 1994 to prosecute those responsible for genocide and other serious violations of international humanitarian law in Rwanda during the 1994 genocide[29].

Legal scholars further define the ICTR as a groundbreaking institution that not only delivered justice for victims of the Rwandan genocide but also significantly contributed to the development of international criminal jurisprudence, particularly regarding the crime of genocide[30].

1.2.13 Transitional Justice

According to the United Nations, transitional justice refers to the set of judicial and non-judicial measures implemented by countries to redress the legacies of massive human rights abuses, including criminal prosecutions, truth commissions, reparations, and institutional reforms[31].

The International Center for Transitional Justice (ICTJ) further defines transitional justice as a framework for confronting past atrocities, ensuring accountability, justice, and reconciliation, while also promoting the rule of law and preventing future violations[32].

1.2.14 Rule of Law

According to the United Nations, the rule of law is a principle of governance in which all persons, institutions, and entities are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and which are consistent with international human rights norms[33].

[29] See UN Security Council, Resolution 955 (1994) UN Doc S/RES/955.
[30] See William A. Schabas, The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone (CUP 2006).
[31] See UN, Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice (2010).
[32] See International Center for Transitional Justice, 'What is Transitional Justice?' https://www.ictj.org/about/transitional-justice accessed 18 September 2024.
[33] See UN, Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (2004).

The World Justice Project defines the rule of law as the framework where laws are clear, publicized, stable, and just, applied evenly, and protect fundamental rights, ensuring that the processes by which laws are enacted, administered, and enforced are accessible and fair[34].

1.3 General overview on international criminal law

The section 1.3 discuss the general overview on the international criminal law

1.3.1 Evolution of International Criminal Law

The modern concept of international criminal law can be traced back to the aftermath of World War II, with the establishment of the Nuremberg and Tokyo tribunals. These tribunals set a crucial precedent by holding individuals accountable for war crimes, crimes against humanity, and crimes against peace[35]. This marked a significant departure from traditional notions of state responsibility in international law.

The next major development came in the 1990s with the establishment of ad hoc tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR). These tribunals further developed the jurisprudence of international criminal law, particularly in areas such as command responsibility and the definition of crimes against humanity[36].

The pinnacle of this evolution was the establishment of the International Criminal Court (ICC) through the Rome Statute in 1998, which entered into force in 2002. The ICC represents the first permanent, treaty-based international criminal court, with jurisdiction over genocide, crimes against humanity, war crimes, and the crime of aggression[37].

1.3.2 Key Principles of International Criminal Law

Several fundamental principles underpin international criminal law. The principle of individual criminal responsibility, as articulated in Article 25 of the Rome Statute, holds that individuals, not just states, can be held accountable for international crimes[38].

[34] See World Justice Project, Rule of Law Index 2020 (2020).
[35] See Robert H Jackson, 'The Nürnberg Case' (Knopf 1947) 30-31.
[36] See William A Schabas, 'The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone' (Cambridge University Press 2006) 44.
[37] See Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, arts 5-8bis.
[38] See ibid art 25.

This principle was famously affirmed in the Nuremberg trials, where the tribunal declared that "crimes against international law are committed by men, not by abstract entities"[39].

Another crucial principle is that of nullum crimen sine lege (no crime without law), enshrined in Article 22 of the Rome Statute. This principle ensures that individuals can only be prosecuted for acts that were criminalized at the time they were committed[40].

The principle of complementarity, as laid out in Article 17 of the Rome Statute, is also fundamental. It stipulates that the ICC will only intervene when national courts are unwilling or unable to prosecute international crimes, thereby respecting state sovereignty while ensuring accountability[41].

1.4 Rwanda's Position in International Criminal Law

Rwanda's engagement with international criminal law has been profoundly shaped by its experience of the 1994 genocide, resulting in a complex approach that seeks to balance international norms with national priorities.

Rwanda's approach to international criminal law is deeply influenced by its historical experience, particularly the 1994 genocide, which left an indelible mark on the country's legal and political landscape. In the aftermath of the genocide, Rwanda established the Gacaca courts to address the overwhelming number of cases. These courts represented an innovative adaptation of traditional conflict resolution mechanisms, tailored to process genocide-related cases more efficiently. However, while the Gacaca courts helped resolve a significant backlog of cases, they were criticized for falling short of international fair trial standards, including the right to legal representation and impartiality.[42] Here, the researcher himself do not agree with such criticisms since there seemed to be no other way through which could Rwanda have tried such cases other than establishment of Gacaca courts.

Rwanda's domestic legal reforms, including its 2018 Penal Code, further illustrate the country’s commitment to aligning its legal framework with international standards.

[39] See Judgment of the International Military Tribunal, The Trial of German Major War Criminals: Proceedings of the International Military Tribunal sitting at Nuremberg, Germany, Part 22 (1950) 447.
[40] See Rome Statute (n 3) art 22.
[41] See ibid art 17.
[42] See LAW N° 40/2000 OF JANUARY 26, 2001 SETTING UP "GACACA JURISDICTIONS".

The inclusion of provisions on genocide and crimes against humanity reflects Rwanda's intention to integrate international criminal norms into its domestic system. However, Rwanda's refusal to ratify the Rome Statute indicates a selective engagement with international criminal law, driven by concerns over sovereignty and potential misuse of the ICC for political purposes. This selective approach has been a subject of debate, particularly given Rwanda's leading role in advocating for international justice during the ICTR era[43].

Additionally, Rwanda's decision to enact laws facilitating the transfer of cases from the ICTR, as well as its cooperation with other countries prosecuting genocide suspects reflects a nuanced approach to international cooperation in criminal justice. Organic Law No. 47/2013 on the transfer of cases to Rwanda addressed international concerns regarding fair trials and the death penalty, thereby enabling the transfer of cases from the ICTR and other jurisdictions. This law, coupled with Rwanda's broader legal reforms, demonstrates the country's efforts to balance its national interests with its international obligations[44].

Nevertheless, Rwanda's reluctance to fully integrate with the ICC system, as seen in its refusal to ratify the Rome Statute, reveals a tension between national sovereignty and international accountability. Here, the researcher has an opposite view since Rwanda is not obliged to ratify the ICC statute as long as it has never failed or at least demonstrate that it is not willing to try the international crimes and yet, these are the only basis of the jurisdictions of the international criminal court[45].

1.5 Rwanda's Legal Framework Post-Genocide

In the aftermath of the genocide, Rwanda undertook significant legal reforms to address international crimes. A key innovation was the establishment of the Gacaca courts through Organic Law No. 40/2000 of 26/01/2001[46]. These courts, based on a traditional dispute

[43] See Penal Code of Rwanda, 2018, art 114-128.
[44] See Organic Law No. 47/2013 of 16/06/2013.
[45] See El Zeidy, M. M. (2001). The principle of complementarity: a new machinery to implement international criminal law. Mich. J. Int'l L., 23, 869.
[46] See Organic Law No. 40/2000 of 26/01/2001 Setting up Gacaca Jurisdictions and Organizing Prosecutions for Offences Constituting the Crime of Genocide or Crimes Against Humanity Committed between October 1, 1990 and December 31, 1994 (Rwanda).

resolution system, were adapted to try genocide cases, allowing for faster processing but raising concerns about adherence to international fair trial standards[47].

Rwanda also enacted Organic Law No. 47/2013 of 16/06/2013 on the transfer of cases to Rwanda, which facilitated the transfer of cases from the ICTR and other jurisdictions. This law included provisions to ensure fair trials and prohibited the death penalty, addressing international concerns about Rwanda's justice system[48].

1.5.1 Integration of International Norms into Domestic Law

Rwanda has incorporated key elements of international criminal law into its domestic legislation. The 2012 Penal Code, in Article 114, defines genocide in line with the Genocide Convention. Articles 120-128 cover crimes against humanity, largely aligning with the Rome Statute definitions[49].

However, Rwanda's approach has been selective. While integrating many international norms, Rwanda has not ratified the Rome Statute, citing concerns about sovereignty and potential political misuse of the ICC[50]. This stance reflects the ongoing tension between Rwanda's desire to maintain legal sovereignty and the pressure to conform to international criminal law standards.

1.6 Sources of International Criminal Law

International criminal law draws its authority from various sources, each playing a crucial role in shaping the legal framework for prosecuting international crimes. These sources are largely derived from Article 38(1) of the Statute of the International Court of Justice, which outlines the sources of international law in general[51].

Secondly, customary international law plays a vital role in international criminal law. This source is derived from consistent state practice accompanied by opinio juris - the belief that

[47] See Phil Clark, 'The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers' (Cambridge University Press 2010) 3.
[48] See Organic Law No. 47/2013 of 16/06/2013 relating to the transfer of cases to the Republic of Rwanda (Rwanda).
[49] See Organic Law No. 01/2012/OL of 02/05/2012 instituting the Penal Code (Rwanda), arts 114, 120-128.
[50] See Aimé Muyoboke Karimunda, 'The Challenges Posed to the International Criminal Court by the Implementation of the Death Penalty Provisions in the Penal Laws of Rwanda: Practical and Legal Considerations' (2016) 14 Journal of International Criminal Justice 103.
[51] See Statute of the International Court of Justice (adopted 26 June 1945, entered into force 24 October 1945) 33 UNTS 993, art 38(1).

such practice is legally obligatory. A prime example is the prohibition of torture, which is widely recognized as a customary norm. This was affirmed in the case of Prosecutor v. Furundžija before the International Criminal Tribunal for the former Yugoslavia (ICTY), where the court stated that the prohibition of torture is a peremptory norm of international law[52].

Thirdly, general principles of law recognized by civilized nations serve as another important source. These are fundamental legal concepts that are common to major legal systems worldwide. One such principle is individual criminal responsibility, which was applied in the Nuremberg trials and later codified in Article 25 of the Rome Statute[53]. This principle ensures that individuals, not just states, can be held accountable for international crimes.

Fourthly, judicial decisions, while not creating binding precedents in the strict sense, provide authoritative interpretations of international criminal law. The decisions of international courts and tribunals, such as the ICC, ICTY, and the International Criminal Tribunal for Rwanda (ICTR), have significantly contributed to the development of this field. A landmark example is the ICTY's ruling in Prosecutor v. Tadić, which established the "overall control" test for determining the existence of an international armed conflict[54]. This decision has had far-reaching implications for the classification of conflicts and the applicable law.

Lastly, subsidiary sources such as the teachings of highly qualified publicists, United Nations General Assembly resolutions, and reports of the International Law Commission also contribute to the development of international criminal law. For instance, the Draft Code of Crimes against the Peace and Security of Mankind, prepared by the International Law Commission, significantly influenced the drafting of the Rome Statute[55].

It is important to note that these sources do not operate in isolation but interact and influence each other. For example, treaties often codify customary law, while judicial decisions can contribute to the formation of custom. This interplay creates a dynamic and evolving body of international criminal law, capable of adapting to new challenges while maintaining core principles of justice and accountability.

[52] See Prosecutor v Furundžija (Judgment) ICTY-95-17/1-T (10 December 1998) para 153.
[53] See Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, art 25.
[54] See Prosecutor v Tadić (Appeal Judgment) IT-94-1-A (15 July 1999) para 145.
[55] See International Law Commission, 'Draft Code of Crimes against the Peace and Security of Mankind' (1996) II(2) Yearbook of the International Law Commission 17.

In the context of Rwanda, understanding these sources is crucial for evaluating the country's implementation of international criminal law. Rwanda's domestic laws, such as the 2018 Penal Code, draw from these international sources, particularly in defining crimes like genocide and crimes against humanity[56]. However, as noted in the problem statement, there are instances where Rwanda's approach diverges from international standards, such as the inclusion of "extermination of albinos" as a specific crime against humanity in Article 123 of the Penal Code[57].

Moreover, Rwanda's selective engagement with international mechanisms, as evidenced by its refusal to ratify the Rome Statute, highlights the complex interplay between these sources of international law and national sovereignty[58]. This tension underscores the need for a nuanced approach in assessing how countries like Rwanda navigate the implementation of international criminal law while addressing their unique historical and political contexts.

1.7 Role of International Tribunals in Shaping International Criminal Law

International tribunals have played a pivotal role in developing and refining the norms of international criminal law. From the groundbreaking Nuremberg Trials to the establishment of the permanent International Criminal Court (ICC), these institutions have significantly contributed to the evolution of legal principles and procedures in this field.

The Nuremberg Trials (1945-1949) marked a watershed moment in international criminal law. These trials established the principle of individual criminal responsibility for international crimes, rejecting the notion that only states could be held accountable. In the landmark case of United States v. Göring et al., the tribunal famously rejected the defense of superior orders, stating that it may only be considered in mitigation of punishment, not as a justification for criminal acts[59]. This principle has since become a cornerstone of international criminal law.

Building on this foundation, the International Criminal Tribunal for the former Yugoslavia (ICTY, 1993-2017) further developed the jurisprudence of international criminal law.

[56] See Organic Law No. 01/2018/OL of 02/05/2018 instituting the Penal Code (Rwanda), arts 114, 120-128.
[57] Ibid
[58] See Aimé Muyoboke Karimunda, 'The Challenges Posed to the International Criminal Court by the Implementation of the Death Penalty Provisions in the Penal Laws of Rwanda: Practical and Legal Considerations' (2016) 14 Journal of International Criminal Justice 103.
[59] See United States of America v Hermann Wilhelm Göring and Others (Judgment) International Military Tribunal (1 October 1946) 41 American Journal of International Law 172, 221.

The ICTY made significant contributions in areas such as command responsibility and joint criminal enterprise. In the seminal case of Prosecutor v. Tadić, the Appeals Chamber established the "overall control" test for determining the existence of an international armed conflict[60]. This test has had far-reaching implications for the classification of conflicts and the applicable law in subsequent cases.

Concurrently, the International Criminal Tribunal for Rwanda (ICTR, 1994-2015) made its own unique contributions to the field. The ICTR expanded the understanding of genocide, particularly in recognizing sexual violence as a form of genocide. In the groundbreaking case of Prosecutor v. Akayesu, the tribunal recognized rape as an act of genocide for the first time in international law[61]. This decision has had profound implications for the prosecution of sexual violence in conflict situations worldwide.

The establishment of the permanent International Criminal Court (ICC) in 2002 marked a new era in international criminal justice. The ICC continues to refine definitions and procedures in international criminal law. In its first case, Prosecutor v. Lubanga Dyilo, the Court elaborated on the war crime of conscripting and enlisting children, providing detailed guidance on the elements of this crime[62].

These tribunals have collectively shaped international criminal law in several key ways. Firstly, they have clarified and expanded the definitions of international crimes. The evolution of the concept of crimes against humanity, from its origins in the Nuremberg Charter to its current formulation in Article 7 of the Rome Statute, exemplifies this development[63].

Secondly, these tribunals have developed procedural norms for fair trials in international settings. For instance, the ICTY's Rules of Procedure and Evidence have influenced subsequent tribunals and national courts in handling complex international criminal cases[64].

Thirdly, the precedents established by these tribunals have influenced national laws and practices. Many countries, including Rwanda, have incorporated definitions of international

[60] See Prosecutor v Duško Tadić (Appeal Judgement) IT-94-1-A (15 July 1999) para 145.
[61] See Prosecutor v Jean-Paul Akayesu (Judgement) ICTR-96-4-T (2 September 1998) para 731.
[62] See Prosecutor v Thomas Lubanga Dyilo (Judgment) ICC-01/04-01/06 (14 March 2012) paras 568-630.
[63] See Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, art 7.
[64] See ICTY, Rules of Procedure and Evidence, UN Doc IT/32/Rev.50 (8 July 2015).

crimes from these tribunals into their domestic legislation. Rwanda's 2012 Penal Code, for example, draws on international definitions of genocide and crimes against humanity[65].

Lastly, these tribunals have contributed to the deterrence of future international crimes by demonstrating that impunity for such acts is no longer acceptable in the international community. The arrest and prosecution of high-ranking officials, such as former Liberian President Charles Taylor by the Special Court for Sierra Leone, send a powerful message about accountability[66].

In the context of Rwanda, the jurisprudence of these tribunals, particularly the ICTR, has had a significant impact. The ICTR's work has not only contributed to justice for the 1994 genocide but has also influenced Rwanda's legal framework and practices. However, as noted in the problem statement, Rwanda's implementation of international criminal law standards is not without challenges. The country's selective engagement with international mechanisms and its unique approach to prosecuting international crimes, such as through the Gacaca courts, reflect the complex interplay between international norms and national priorities[67].

Understanding the role of these tribunals in shaping international criminal law is crucial for evaluating Rwanda's approach. It provides a benchmark against which to assess Rwanda's implementation of international criminal law standards and offers insights into potential areas for improvement in Rwanda's legal framework and practices.

1.8 Impact of Globalization on International Criminal Law

Globalization has profoundly influenced the evolution and enforcement of international criminal law, creating both opportunities and challenges for its implementation. The interconnectedness brought about by globalization has facilitated greater cooperation among states in prosecuting international crimes, while also complicating jurisdictional issues and enforcement mechanisms.

One significant impact of globalization on international criminal law has been the increased ease of information sharing and coordination between national and international judicial bodies.

[65] See Organic Law No. 01/2018/OL of 02/05/2018 instituting the Penal Code (Rwanda), arts 114, 120-128.
[66] See Prosecutor v Charles Ghankay Taylor (Judgment) SCSL-03-01-T (18 May 2012).
[67] See Phil Clark, The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers (Cambridge University Press 2010).

This has enabled more effective investigations and prosecutions of international crimes across borders. For instance, the case of Augustin Ngirabatware, a former Rwandan minister convicted by the International Criminal Tribunal for Rwanda (ICTR), exemplifies how globalization has aided in tracking and prosecuting suspects of international crimes who flee across borders[68].

However, globalization has also presented challenges, particularly in the context of cybercrime and transnational organized crime, which often fall outside the traditional scope of international criminal law. The case of Jean-Bosco Uwinkindi, whose transfer from the ICTR to Rwanda was facilitated by improved communication technologies, illustrates how globalization has both aided and complicated the prosecution of international crimes[69].

In the Rwandan context, globalization has influenced the country's approach to international criminal law by exposing it to international norms and practices. This exposure has led to legal reforms aimed at aligning domestic laws with international standards, as seen in the 2012 Penal Code revisions. Nevertheless, Rwanda's selective engagement with international mechanisms, such as its non-ratification of the Rome Statute, demonstrates the ongoing tension between global norms and national sovereignty in the era of globalization[70].

1.8 Conclusion

In conclusion, the implementation of international criminal law continues to grapple with the inherent tension between state sovereignty and the need for accountability for international crimes. The complementarity principle under the Rome Statute represents a key mechanism for balancing these interests, allowing states to retain primary responsibility for prosecuting crimes while providing a safety net in cases where national courts fail to act. However, as seen in the case of Kenya and other states, this balance is not always easily maintained, and political interference can undermine the effectiveness of both domestic and international judicial processes.

Rwanda's experience highlights the complexities of implementing international criminal law within a national context that has been shaped by a traumatic past. While Rwanda has made

[68] See Prosecutor v. Augustin Ngirabatware, Case No. MICT-12-29-A, Appeals Chamber Judgment (18 December 2014).
[69] See Prosecutor v. Jean-Bosco Uwinkindi, Case No. ICTR-2001-75-R11bis, Decision on Prosecutor's Request for Referral to the Republic of Rwanda (28 June 2011).
[70] See Organic Law No. 01/2012/OL of 02/05/2012 instituting the Penal Code (Rwanda).

significant strides in incorporating international norms into its legal system, its selective engagement with the ICC underscores the ongoing debate over the role of international criminal justice in preserving sovereignty. As the field of international criminal law evolves, states like Rwanda will continue to navigate the delicate balance between national interests and the imperative to uphold international legal obligations. This ongoing tension will likely shape future developments in international criminal jurisprudence, particularly in relation to complementarity and the role of the ICC in prosecuting international crimes.

CHAPTER 2: CHALLENGES FACED BY RWANDAN LEGAL SYSTEM IN IMPLEMENTING INTERNATIONAL CRIMINAL LAW

2.1 Introduction

Rwanda's journey in implementing international criminal law has been fraught with complexities, largely stemming from its traumatic history of genocide and the subsequent need for justice and reconciliation. This chapter examines the multifaceted challenges Rwanda has encountered in its efforts to align its legal system with international criminal law standards while maintaining its sovereignty

2.1 Balancing Retributive and Restorative Justice

Rwanda's adoption of the Gacaca court system after the 1994 genocide reflects its attempt to reconcile retributive justice, which focuses on punishment, with restorative justice, emphasizing reconciliation and healing. The Gacaca courts were based on a traditional dispute resolution mechanism, allowing local communities to participate in the adjudication of genocide cases. This system processed over a million cases, providing a swift means to address the immense backlog of trials. However, its approach to justice often prioritizing confession and reconciliation over strict punitive measures iverges from international criminal law standards, where due process and legal representation are crucial components[71].

One significant case that highlights the system's approach is the trial of Jean Paul Akayesu, a former mayor convicted for genocide and crimes against humanity. The Gacaca process emphasized community testimony, which facilitated reconciliation but raised concerns regarding the accuracy and fairness of proceedings. Critics, such as Human Rights Watch, argued that the absence of legal representation and the reliance on local knowledge sometimes led to inconsistent judgments and potential injustices[72]. These shortcomings highlight the tension between Rwanda's traditional justice mechanisms and international standards, such as those outlined in Article 67 of the Rome Statute, which guarantees the right to a fair trial.

[71] See Rome Statute of the International Criminal Court 1998 (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90 art 67.
[72] See Human Rights Watch, Justice Compromised: The Legacy of Rwanda's Gacaca Courts (2011).

In contrast to international criminal courts, which focus heavily on punitive measures, the Gacaca courts sought to reintegrate perpetrators into society, contributing to national healing. However, while Gacaca facilitated post-genocide reconciliation, it fell short of the Rome Statute's requirements for fair trial standards, raising questions about its compatibility with international criminal law[73]. Nonetheless, the Gacaca system represented a unique effort to balance justice with the practical need for societal rebuilding after a mass atrocity[74].

2.2 Witness Protection and Victim Support

One of the major challenges Rwanda has faced in implementing international criminal law is the establishment of effective witness protection programs. In the immediate aftermath of the genocide, the protection of witnesses was a significant concern, especially in cases transferred from the International Criminal Tribunal for Rwanda (ICTR) to Rwandan courts. The Munyakazi case is a notable example where the ICTR initially refused to transfer the accused due to concerns about the ability of Rwandan courts to protect witnesses adequately. This raised broader concerns about Rwanda's capacity to meet international standards, as witness intimidation and insufficient protection mechanisms could undermine the integrity of trials[75].

In response, Rwanda introduced several legal reforms aimed at addressing these deficiencies. The enactment of Organic Law No. 47/2013, which introduced provisions for the protection of witnesses, was a significant step toward aligning with international standards. This law allowed for the use of anonymous testimony and other protective measures, such as video-link testimony, to ensure that witnesses could testify without fear of retribution[76]. Despite these reforms, practical challenges persist in implementing these measures effectively, particularly in rural areas where the enforcement of protective measures remains difficult.

Further efforts have been made to ensure victim support, particularly through psychological counseling and reintegration programs for those affected by the genocide. However, limited resources have hindered the comprehensive implementation of these programs.

[73] See Rome Statute of the International Criminal Court 1998 (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90 art 67.
[74] Ibid.
[75] See Morris, J. W. (2012). The trouble with transfers: an analysis of the referral of Uwinkindi to the Republic of Rwanda for trial. Wash. UL Rev., 90, 505.
[76] See Organic Law No. 47/2013 of 16 June 2013

Rwanda continues to face difficulties in offering adequate support to victims, especially in cases involving international crimes. The lack of sufficient funding and trained personnel to manage victim support programs has been a barrier to fully meeting the standards outlined by international bodies like the UN Convention on Victims' Rights, which emphasizes the importance of protecting the dignity and safety of witnesses and victims[77].

2.3The Role of International NGOs and Observers

International NGOs such as Human Rights Watch and Amnesty International have played an instrumental role in monitoring Rwanda's justice system, influencing legal reforms and shaping international perceptions of the country's post-genocide justice efforts. These organizations have published detailed reports highlighting both the successes and shortcomings of Rwanda's legal processes, particularly the Gacaca courts. For example, Amnesty International's report on the Gacaca system in 2002 raised concerns about the lack of legal representation, the potential for biased testimony, and the courts' departure from international fair trial standards[78]. These critiques have not only affected Rwanda's internal legal reforms but have also affected the country's international standing. The scrutiny from international observers pressured Rwanda to adjust its judicial practices, such as the abolition of the death penalty in 2007, which was a direct response to concerns raised by human rights organizations. Additionally, Human Rights Watch has repeatedly raised concerns about the fairness of trials, including the treatment of political prisoners, which has led to increased international dialogue on improving the transparency and accountability of Rwanda's judicial system[79]. The interventions of NGOs have also influenced case outcomes. In some instances, reports by international observers have led to appeals in cases where fair trial standards were questioned. For example, Human Rights Watch's continued monitoring of genocide trials played a role in prompting judicial reviews of cases that lacked sufficient due process. While these organizations have been critical of Rwanda's justice system, their involvement has been crucial in pushing for reforms that align more closely with international criminal law standards[80].

[77] See UN Security Council, Resolution 955 (1994) UN Doc S/RES/955.
[78] See Amnesty International, Rwanda: Gacaca: A Question of Justice (2002).
[79] See Human Rights Watch, Justice Compromised: The Legacy of Rwanda's Gacaca Courts (2011).
[80] See Glasius, M. (2002). Expertise in the cause of justice: Global civil society influence on the statute for an international criminal court. Global civil society, 2002, 137-168.

2.4 Technology and Information Management in the Judicial Process

Rwanda's post-genocide justice system has significantly benefited from efforts to digitize court records and introduce modern case management systems. The sheer volume of genocide-related cases, many involving complex international crimes, made it imperative for Rwanda to adopt technological solutions to streamline the judicial process. One of the most significant steps in this regard was the digitization of Gacaca court records, which has allowed for the preservation of important historical documentation and improved accessibility for both judicial actors and international observers[81].

The introduction of case management systems has helped increase the efficiency and transparency of Rwanda's courts. These systems have enabled the faster processing of cases, reduced administrative delays, and allowed for better tracking of ongoing proceedings. However, the implementation of such systems has not been without challenges. Financial constraints have hampered the full rollout of these technologies across the country, especially in rural areas where infrastructure is still developing. Rwanda's reliance on international donors, such as the European Union, has been crucial in funding the initial phases of these projects, but the country faces ongoing difficulties in sustaining these systems independently[82].

Despite these challenges, Rwanda's efforts have had a tangible impact on the efficiency of genocide trials. For instance, the digitization of court records facilitated the review and appeal processes in several high-profile cases, including that of Theoneste Bagosora, whose trial required extensive access to documentation from both national and international courts. These technological improvements have helped Rwanda gradually align its judicial processes with international standards, although continued investment and capacity-building are needed to ensure the long-term success of these initiatives[83].

[81] See European Union, Annual Report on the Digitalization of Judicial Records in Rwanda (2015).
[82] See Watson, A., Rukundakuvuga, R., & Matevosyan, K. (2017). Integrated Justice: An Information Systems Approach to Justice Sector Case Management and Information Sharing-Case Study of the Integrated Electronic Case Management System for the Ministry of Justice in Rwanda. International Journal for Court Administration, 8(3).
[83] See BAGOSORA, THEONESTE. "CASE NO." (2008).

2.5 Training and Retention of Legal Professionals

The Institute of Legal Practice and Development (ILPD**)**, established in 2008, has played a pivotal role in addressing Rwanda's shortage of qualified legal professionals in international criminal law. The ILPD provides continuous legal education and specialized training for judges, prosecutors, and defense lawyers. The institute offers courses in international criminal law, focusing on key legal concepts such as command responsibility and crimes against humanity, ensuring that Rwandan legal professionals are well-versed in both domestic and international legal frameworks[84].

Despite these training efforts, Rwanda continues to face challenges in retaining trained professionals. Many Rwandan lawyers and judges who have received specialized training in international criminal law at the ILPD have been recruited by international organizations or tribunals. This "brain drain" has left Rwanda with a shortage of experienced legal professionals capable of handling complex international criminal cases. For example, several Rwandan judges who were trained by the ILPD went on to work for the International Criminal Tribunal for Rwanda (ICTR) and other international courts, creating a gap in Rwanda's domestic legal system[85].

To counteract this issue, Rwanda has implemented incentives to retain trained professionals, such as offering competitive salaries and opportunities for career advancement[86]. However, these measures have not been fully effective in preventing the loss of talent to international institutions. This ongoing challenge highlights the need for further investment in the professional development of Rwandan legal personnel and underscores the importance of ensuring that those trained in international criminal law remain committed to serving within the national justice system[87].

[84] See Johnson, N., & Hill, D. (2012). Charting the role of professional legal education in developing and strengthening the justice sector in post-genocide Rwanda. The Law Teacher, 46(2), 190-196.
[85] See Institute of Legal Practice and Development, Annual Report 2010 (2010).
[86] See Harorimana, A. (2022). The influence of employees retention on organization performance Case Study: University of Rwanda Case Study: University of Rwanda (Doctoral dissertation, University of Rwanda).
[87] See Cissé, C. (1998). The end of a culture of impunity in Rwanda? Prosecution of genocide and war crimes before Rwandan courts and the International Criminal Tribunal for Rwanda. Yearbook of International Humanitarian Law, 1, 161-188.

2.6 Legal Framework Harmonization

Legal framework harmonization has been a significant challenge for Rwanda in its efforts to implement international criminal law standards. This process involves aligning domestic laws with international legal norms, particularly those outlined in the Rome Statute of the International Criminal Court and other relevant international instruments. Rwanda's journey in this regard has been marked by both progress and persistent difficulties, reflecting the complex nature of integrating international criminal law into a national legal system shaped by a history of genocide and civil conflict.

One of the primary challenges Rwanda faced was the initial lack of comprehensive legislation addressing international crimes. In the immediate aftermath of the 1994 genocide, Rwanda's legal system was ill-equipped to handle the scale and nature of the crimes committed. The country's first attempt to address this gap came with the enactment of Organic Law No. 08/96 of August 30, 1996, which organized the prosecution of genocide and crimes against humanity. However, this law did not fully align with international standards, particularly in terms of definitions and elements of crimes[88]

The discrepancies between Rwanda's initial legal framework and international standards became particularly evident in the context of cooperation with the International Criminal Tribunal for Rwanda (ICTR). For instance, the ICTR's definition of crimes against humanity required a widespread or systematic attack against a civilian population, while Rwanda's domestic law did not include this contextual element. This divergence created challenges in ensuring consistent application of the law across domestic and international jurisdictions, potentially leading to disparities in how similar crimes were prosecuted and punished[89].

Rwanda's efforts to harmonize its legal framework gained momentum with the adoption of Organic Law No. 40/2000 of January 26, 2001, which established the Gacaca courts. While this innovative approach aimed to address the backlog of genocide cases, it also highlighted the challenges of reconciling traditional justice mechanisms with international criminal law standards.

[88] See William A Schabas, 'The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone' (Cambridge University Press 2006) 455-457.
[89] See Lars Waldorf, 'Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice' (2006) 79 Temple Law Review 1, 60-61.

The Gacaca system, while praised for its ability to process cases quickly and promote reconciliation, faced criticism for its lack of due process guarantees and potential inconsistencies with fair trial standards enshrined in international law[90].

Rwanda's efforts to harmonize its legal framework with international criminal law standards have been ongoing, with significant developments occurring even after the 2012 Penal Code. A notable step in this process was the enactment of Law N°68/2018 of 30/08/2018 determining offences and penalties in general. This law further refined Rwanda's criminal justice system, addressing some of the gaps in previous legislation and bringing the country's legal framework closer to international standards. For instance, Article 79 of this law explicitly recognizes command responsibility, stating that a superior can be held responsible for crimes committed by subordinates under their effective authority and control. This inclusion addresses a significant gap in the 2012 Penal Code and aligns more closely with international criminal law principles[91] .

The 2018 law also reinforced Rwanda's commitment to prohibiting crimes under international law. Article 123 reaffirms the non-applicability of statutory limitations to genocide, crimes against humanity, and war crimes, ensuring that perpetrators of these grave crimes can be prosecuted regardless of when the offences were committed. This provision aligns with international norms and reflects Rwanda's ongoing dedication to combating impunity for international crimes[92].

In addition to domestic legislation, Rwanda has ratified several international instruments that have further shaped its legal landscape. The country's accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2008 necessitated additional legal reforms. While the 2018 law does not explicitly define torture in line with the Convention, Article 121 prohibits torture and cruel, inhuman, or degrading treatment, demonstrating Rwanda's commitment to aligning with international human rights

[90] See Phil Clark, 'The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers' (Cambridge University Press 2010) 3-5.
[91] See Law N°68/2018 of 30/08/2018, Art. 79
[92] See Law N°68/2018 of 30/08/2018, Art. 123, Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity 1968.

standards[93]. However, the lack of a comprehensive definition in domestic law highlights the ongoing challenges in fully harmonizing national legislation with international obligations[94].

Rwanda's ratification of the Rome Statute of the International Criminal Court in 2000 has also influenced its legal harmonization efforts. Although Rwanda withdrew its signature in 2003, the principles of the Rome Statute continue to inform legal reforms. The definitions of genocide, crimes against humanity, and war crimes in the 2018 law, while not identical to those in the Rome Statute, reflect an effort to align with international standards[95]. For example, Article 125 of the 2018 law defines genocide in a manner largely consistent with the Rome Statute, although some nuances in the elements of the crime remain[96].

Despite these advancements, challenges in legal harmonization persist. The implementation of international standards often requires more than legislative changes; it necessitates shifts in legal culture and practice. For instance, while Rwanda has made strides in incorporating fair trial guarantees, concerns remain about the practical application of these principles, particularly in cases involving international crimes. The country's unique context, shaped by the legacy of the 1994 genocide, continues to influence the interpretation and application of international criminal law norms within the domestic legal system[97].

In conclusion, Rwanda's journey towards harmonizing its legal framework with international criminal law standards has been marked by significant progress, particularly with the enactment of the 2018 law determining offences and penalties in general. This legislation, along with Rwanda's ratification of key international instruments, has brought the country's legal system closer to international norms. However, full harmonization remains an ongoing process, requiring continued efforts to address remaining gaps, enhance the practical implementation of international standards, and navigate the complex interplay between domestic legal traditions and international criminal law principles.

The process of legal harmonization also extended to procedural aspects of international criminal law. Rwanda's efforts to secure the transfer of cases from the ICTR and other national jurisdictions necessitated reforms to ensure fair trial standards and witness

[93] See Law N°68/2018 of 30/08/2018, Art. 121
[94] See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984
[95] See Rome Statute of the International Criminal Court 1998, Art. 6
[96] See Law N°68/2018 of 30/08/2018, Art. 125.
[97] See Human Rights Watch, 'Rwanda: Events of 2018' (2019).

protection. The adoption of Organic Law No. 47/2013 of June 16, 2013, relating to the transfer of cases to Rwanda, was a direct response to these requirements. This law introduced provisions for witness protection and video-link testimony, addressing concerns raised by the ICTR in earlier refusals to transfer cases, such as in the Munyakazi case[98].

Despite these efforts, challenges in harmonization persist. The implementation of international criminal law standards often requires not just legislative changes but also shifts in legal culture and practice. For instance, while Rwanda has formally abolished the death penalty to align with international norms and facilitate case transfers, concerns about life imprisonment in isolation as a substitute have been raised as potentially violating the prohibition on cruel, inhuman, or degrading treatment[99].

In conclusion, Rwanda's journey in harmonizing its legal framework with international criminal law standards has been marked by significant progress but also persistent challenges. The country has demonstrated a commitment to aligning its laws with international norms, as evidenced by successive legislative reforms. However, full harmonization remains an ongoing process, requiring continued efforts to address gaps in substantive law, enhance procedural guarantees, and ensure consistent application of international standards across all cases. The experience of Rwanda underscores the complex and often protracted nature of integrating international criminal law into domestic legal systems, particularly in post-conflict contexts.

2.7 Capacity Building and Resource Constraints

Rwanda's journey in implementing international criminal law standards has been significantly impacted by capacity building and resource constraints. These challenges have affected various aspects of the justice system, from the judiciary and prosecution to infrastructure and support services. The country's efforts to address these constraints while striving to meet international standards provide a compelling case study in post-conflict justice.

[98] See Organic Law No. 47/2013 of 16/06/2013 relating to the transfer of cases to the Republic of Rwanda (Rwanda); Prosecutor v. Yussuf Munyakazi (Decision on the Prosecutor's Request for Referral of Case to the Republic of Rwanda) ICTR-97-36-R11bis (28 May 2008).

[99] See Aimé Muyoboke Karimunda, 'The Challenges Posed to the International Criminal Court by the Implementation of the Death Penalty Provisions in the Penal Laws of Rwanda: Practical and Legal Considerations' (2016) 14 Journal of International Criminal Justice 103.

In the aftermath of the 1994 genocide, Rwanda's justice system was in shambles. The country faced an overwhelming number of cases related to genocide crimes, with estimates suggesting that over 100,000 individuals were detained and awaiting trial. This massive caseload far exceeded the capacity of Rwanda's decimated judicial system, which had lost many legal professionals during the genocide. The shortage of qualified judges, prosecutors, and defense lawyers posed a significant challenge to implementing international criminal law standards, which demand fair and expeditious trials[100].

To address this capacity gap, Rwanda implemented several innovative measures. One of the most notable was the establishment of the Gacaca court system in 2001. These community-based courts were designed to expedite the trial process for genocide-related crimes while promoting reconciliation. While the Gacaca system helped to clear the backlog of cases, it also highlighted the tension between addressing capacity constraints and adhering to international fair trial standards[101]. Critics argued that the lay judges in Gacaca courts lacked the legal expertise to handle complex cases involving international crimes, potentially compromising the quality of justice delivered .

The resource constraints extended beyond human capital to physical infrastructure. Many courthouses and legal facilities had been destroyed or damaged during the conflict, and rebuilding these was crucial for the functioning of the justice system. International donors played a significant role in supporting Rwanda's efforts to reconstruct its judicial infrastructure. For instance, the European Union funded the construction and rehabilitation of several courts and prisons. However, the need for resources often outpaced the available funding, leading to ongoing challenges in providing adequate facilities for trials, detention, and rehabilitation[102].

Training and capacity building for legal professionals became a critical focus in Rwanda's efforts to implement international criminal law standards. The country established the Institute of Legal Practice and Development (ILPD) in 2008 to provide continuing legal education and specialized training in international criminal law.

[100] See Keith, K. M. (2009). Justice at the International Criminal Tribunal for Rwanda: Are Criticisms Just?. Law in Context, 27(1), 78-102.
[101] See Sarkin, J. (2001). The tension between justice and reconciliation in Rwanda: Politics, human rights, due process and the role of the Gacaca Courts in dealing with the genocide. Journal of African law, 45(2), 143-172.
[102] See Cliquennois, G., & Snacken, S. (2018). European and United Nations monitoring of penal and prison policies as a source of an inverted panopticon?. Crime, Law and Social Change, 70(1), 1-18.

Despite these efforts, the shortage of legal professionals with expertise in international criminal law remained a persistent challenge[103]. This was particularly evident in cases involving complex legal concepts such as command responsibility or crimes against humanity, where the application of international standards required specialized knowledge.

The resource constraints also affected Rwanda's ability to provide adequate witness protection and support services, crucial elements in prosecuting international crimes. The country struggled to establish comprehensive witness protection programs that met international standards, partly due to financial limitations. This challenge was highlighted in cases such as Prosecutor v. Yussuf Munyakazi, where the International Criminal Tribunal for Rwanda initially refused to transfer cases to Rwanda, citing concerns about witness protection capabilities .

Technology and information management presented another area where resource constraints impacted Rwanda's implementation of international criminal law standards. The need for secure and efficient systems to manage case information, evidence, and court records was critical, especially given the volume and complexity of cases related to international crimes. While Rwanda made efforts to digitize court records and introduce case management systems, the process was slow and hampered by financial and technical limitations .

The challenge of capacity building extended to the defense side of the justice system as well. Ensuring adequate legal representation for accused persons is a fundamental aspect of international fair trial standards. However, Rwanda's legal aid system faced significant resource constraints, often struggling to provide qualified defense lawyers for complex cases involving international crimes[104]. This imbalance between prosecution and defense resources raised concerns about the overall fairness of trials and compliance with international standards.

International cooperation and support have been crucial in addressing these capacity and resource constraints. Organizations such as the United Nations Development Programme (UNDP) and various bilateral donors have provided technical assistance and funding for

[103] See Cryer, R., Robinson, D., & Vasiliev, S. (2019). An introduction to international criminal law and procedure. Cambridge University Press.
[104] See Wilson, R. J. (2002). Assigned defense counsel in domestic and international war crimes tribunals: The need for a structural approach. Int'l Crim. L. Rev., 2, 145.

judicial reform projects in Rwanda[105]. However, coordinating these efforts and ensuring their sustainability has been an ongoing challenge. The country has had to balance the need for international support with the goal of developing self-sufficient judicial institutions capable of handling international crimes .

The impact of capacity and resource constraints on Rwanda's ability to implement international criminal law standards is also evident in the country's engagement with international justice mechanisms. While Rwanda has made significant progress in developing its domestic capacity to handle international crimes, it continues to face challenges in fully meeting the complementarity requirements of the International Criminal Court. This highlights the ongoing nature of capacity building in the context of international criminal justice.

In conclusion, capacity building and resource constraints have posed significant challenges to Rwanda's implementation of international criminal law standards. While the country has made remarkable progress in rebuilding its justice system and developing innovative approaches to address these constraints, the task remains ongoing. The Rwandan experience underscores the importance of sustained investment in judicial capacity, infrastructure, and human resources in post-conflict societies striving to implement international criminal law standards. It also highlights the need for a balanced approach that addresses immediate justice needs while working towards long-term capacity development and adherence to international norms.

2.8 Extradition and International Cooperation

Extradition and international cooperation present significant challenges for Rwanda in implementing international criminal law to meet international standards. These issues stem from Rwanda's complex history, particularly the aftermath of the 1994 genocide, and its ongoing efforts to prosecute international crimes while adhering to global norms.

One of the primary difficulties Rwanda faces is securing extradition of genocide suspects from other countries. Many nations have been hesitant to extradite suspects to Rwanda due to concerns about the fairness of its judicial system and potential human rights violations.

[105] See Oomen, B. (2005). Donor-driven justice and its discontents: The case of Rwanda. Development and Change, 36(5), 887-910.

For example, in 2008, Germany refused to extradite Onesphore Rwabukombe, a Rwandan genocide suspect, citing doubts about Rwanda's ability to conduct a fair trial. This decision highlighted the international community's skepticism regarding Rwanda's judicial processes and its compliance with international standards[106].

The reluctance of foreign jurisdictions to cooperate with Rwanda's extradition requests has led to a significant number of suspects remaining at large or facing trial in countries far removed from where the alleged crimes occurred. This situation not only impedes Rwanda's efforts to achieve justice for genocide victims but also challenges the principle of complementarity in international criminal law, which emphasizes the primary responsibility of states to prosecute international crimes within their own jurisdictions[107].

Rwanda has made substantial efforts to address these concerns and improve international cooperation. The country has undertaken significant legal reforms, including the abolition of the death penalty in 2007 and improvements in detention conditions. These changes were aimed at aligning Rwanda's legal system more closely with international standards and alleviating concerns about extradition. As a result, some countries have begun to extradite suspects to Rwanda. For instance, in 2016, Canada extradited Léon Mugesera, a key figure in the genocide, to face trial in Rwanda. This marked a significant shift in international perception of Rwanda's judicial capabilities[108]

However, challenges persist in the realm of international cooperation beyond extradition. Rwanda has faced difficulties in obtaining evidence and witness testimony from other countries, which is crucial for prosecuting international crimes effectively. The transnational nature of these crimes often means that key witnesses and evidence are located outside Rwanda's borders. Securing cooperation from foreign jurisdictions to access this information

[106] See William A. Schabas, 'Genocide Trials and Gacaca Courts' (2005) 3 Journal of International Criminal Justice 879.
[107] See Payam Akhavan, 'The Rise, and Fall, and Rise, of International Criminal Justice' (2013) 11 Journal of International Criminal Justice 527.
[108] See Cécile Aptel, 'Gacaca Courts in Rwanda' in Lavinia Stan and Nadya Nedelsky (eds), Encyclopedia of Transitional Justice (Cambridge University Press 2013).

can be a complex and time-consuming process, often hindered by diplomatic tensions, bureaucratic hurdles, and differing legal systems[109].

Moreover, Rwanda's relationship with international criminal justice mechanisms has been complex. While the country initially supported the International Criminal Tribunal for Rwanda (ICTR), tensions arose over issues such as the ICTR's refusal to transfer cases to Rwandan courts and disagreements over prosecution strategies. This strained relationship has at times hampered effective cooperation between Rwanda and international bodies, potentially affecting the country's ability to fully implement international criminal law standards[110].

The challenge of international cooperation is further complicated by Rwanda's pursuit of suspects through informal channels when formal extradition fails. There have been allegations of Rwandan involvement in the extraterritorial pursuit and even kidnapping of suspects. While these actions demonstrate Rwanda's determination to bring perpetrators to justice, they also raise serious concerns about respect for international law and sovereignty, potentially damaging Rwanda's credibility and its relationships with other nations[111].

In conclusion, while Rwanda has made significant strides in aligning its legal system with international standards, the challenges of extradition and international cooperation continue to pose substantial obstacles to the country's full implementation of international criminal law. Overcoming these challenges requires ongoing legal and institutional reforms within Rwanda, as well as increased trust and cooperation from the international community. As Rwanda continues to navigate these complex issues, its experiences offer valuable insights into the practical difficulties of implementing international criminal law at the national level, particularly in post-conflict societies[112].

2.9 Reconciling Traditional Justice Mechanisms with International Standards

[109] See Phil Clark, The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers (Cambridge University Press 2010).]
[110] See Victor Peskin, International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation (Cambridge University Press 2008).
[111] See Lars Waldorf, 'Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice' (2006) 79 Temple Law Review 1.
[112] See Nicola Palmer, Courts in Conflict: Interpreting the Layers of Justice in Post-Genocide Rwanda (Oxford University Press 2015).

The Gacaca courts were a novel approach to post-genocide justice, but their principles often conflicted with international fair trial standards. Gacaca relied heavily on community participation, and while this promoted reconciliation and allowed for the rapid processing of a large number of cases, it raised serious concerns about due process. International standards, as outlined[113].

[113] See Clark, P. (2007). Hybridity, holism, and traditional justice: The case of the Gacaca courts in post-genocide Rwanda. Geo. Wash. Int'l L. Rev., 39, 765.

CHAPTER 3: POTENTIAL LEGAL AND INSTITUTIONAL MECHANISMS TO ENHANCE RWANDA'S IMPLEMENTATION OF INTERNATIONAL CRIMINAL LAW

3.1 Introduction

Rwanda's journey in implementing international criminal law has been marked by significant progress, yet challenges persist in balancing national sovereignty with international obligations. This chapter explores potential legal and institutional mechanisms that could enhance Rwanda's implementation of international criminal law while preserving its sovereignty. Drawing from international best practices and Rwanda's unique context, we will examine reforms in legal frameworks, institutional structures, engagement with international bodies, and capacity-building initiatives.

3.2 Legal Reforms

The section 3.2 discusses legal reforms as the potential solution for Rwanda to enhance the implementation of international criminal law.

3.2.1 Strengthening Rwandan criminal law

Rwanda's Law N°68/2018 of 30/08/2018 determining offences and penalties in general represents a significant step towards aligning domestic law with international criminal law standards. However, there is room for further refinement to ensure full compliance with international norms while addressing local concerns.

In addition to aligning the definition of crimes against humanity with international standards, Rwanda could consider expanding its Penal Code to include a more comprehensive treatment of war crimes. Currently, Law N°68/2018 of 30/08/2018 determining offences and penalties in general addresses war crimes primarily in the context of the 1949 Geneva Conventions. However, a more detailed codification of war crimes, drawing from Article 8 of the Rome Statute, could enhance Rwanda's ability to prosecute a wider range of international crimes.

For instance, the Penal Code could be amended to explicitly criminalize the use of child soldiers, a war crime that has been prosecuted in international tribunals but is not specifically addressed in Rwanda's current legislation. The case of Thomas Lubanga Dyilo before the ICC, which focused on the recruitment and use of child soldiers, underscores the importance of having clear domestic provisions on this issue.

Furthermore, Rwanda could consider incorporating the crime of aggression into its Penal Code, in line with the Kampala amendments to the Rome Statute. While Rwanda is not a party to the Rome Statute, including this crime in domestic legislation would demonstrate Rwanda's commitment to comprehensive coverage of international crimes and could serve as a deterrent against future acts of aggression.

Lastly, Rwanda could benefit from including a provision on statutory limitations for international crimes. Many countries, including Germany and France, have laws stating that genocide, crimes against humanity, and war crimes are not subject to statutes of limitations . Incorporating a similar provision in Rwanda's Penal Code would ensure that perpetrators of these grave crimes can be prosecuted regardless of when the crimes were committed, reinforcing the principle of non-impunity for international crimes.

One area for potential reform is the definition of crimes against humanity in Article 123 of the Penal Code. While the inclusion of "extermination of albinos" as a specific crime against humanity reflects a laudable concern for a vulnerable group, it deviates from internationally recognized definitions[114]. A more effective approach might be to retain this protection under a separate article, while aligning the core definition of crimes against humanity with Article 7 of the Rome Statute[115] This would ensure consistency with international standards while still addressing local concerns.

Additionally, Rwanda could establish a program for the continuous education of former Gacaca judges, integrating them into the formal justice system as paralegals or community justice advisors. This approach has been successfully implemented in Sierra Leone, where paralegals trained in basic law and human rights provide valuable support to the formal justice system, particularly in rural areas .

[114] See Organic Law No. 01/2012/OL of 02/05/2018 instituting the Penal Code (Rwanda), art 123.
[115] See Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, art 7.

Furthermore, the Penal Code could be amended to explicitly incorporate the principle of command responsibility, as defined in Article 28 of the Rome Statute[116]. This would strengthen Rwanda's ability to prosecute high-level perpetrators of international crimes. The case of Jean-Pierre Bemba Gombo before the ICC, which hinged on command responsibility, illustrates the importance of this principle in international criminal law[117].

3.2.2 Reforming the Appeal Mechanism for International Crimes

To strengthen the appeal process for cases related to international crimes, Rwanda could consider several reforms. First, establishing a specialized chamber within the Supreme Court to handle appeals for international crimes could ensure that judges with expertise in international criminal law review these complex cases.

Second, Rwanda could consider allowing for broader grounds of appeal in international crime cases, potentially including errors of fact as well as errors of law. This would align more closely with international standards, such as those used at the International Criminal Court[118].

Third, Rwanda could enhance the transparency of the appeal process by requiring detailed, written decisions that clearly articulate the reasoning behind judgments. This would not only improve the quality of jurisprudence but also build public confidence in the justice system.

The case of Jean Uwinkindi, whose transfer from the ICTR to Rwanda was contingent on guarantees of fair trial rights, including appeal rights, underscores the importance of a robust appeal mechanism in international crime cases[119].

3.2.3 Legal Frameworks for Crimes of Aggression

[116] See ibid art 28.
[117] See Prosecutor v Jean-Pierre Bemba Gombo (Judgment) ICC-01/05-01/08 (21 March 2016).
[118] See Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, art 81.
[119] See Prosecutor v. Jean Uwinkindi, Case No. ICTR-2001-75-R11bis, Decision on Prosecutor's Request for Referral to the Republic of Rwanda (28 June 2011).

To address crimes of aggression in Rwandan law, potential reforms could include incorporating the definition of aggression as adopted in the Kampala amendments to the Rome Statute. This would involve amending Rwanda's Penal Code to include a specific provision on the crime of aggression, defining it as the planning, preparation, initiation or execution of an act of aggression by a person in a leadership position[120].

Rwanda could also consider establishing a specialized court or chamber to handle cases of aggression, given their complex nature and potential political sensitivities. This could be modeled on the International Crimes Chamber of the High Court, which was established to handle cases transferred from the ICTR[121].

However, implementing such reforms would require careful consideration of Rwanda's position as a non-party to the Rome Statute and its concerns about potential infringements on sovereignty.

3.3 Institutional Reforms

The section 3.3 discusses the institutional reforms as the potential solutions for Rwanda to enhance the implementation of international criminal law to the international standards.

3.3.1 Improving Judicial Independence

Enhancing judicial independence is crucial for Rwanda to fully align with international standards of justice. The Constitution of Rwanda, in its Article 150, already guarantees judicial independence[122]. However, practical measures are needed to reinforce this principle.

One potential reform could be the establishment of an independent judicial appointments commission, similar to the model used in South Africa[123]. This commission could be responsible for nominating judges based on merit, thereby reducing potential political influence in judicial appointments. The case of Kenya's Judicial Service Commission, which

[120] See Resolution RC/Res.6, Advance version, 13th plenary meeting, 11 June 2010.
[121] See Organic Law No. 11/2007 of 16/03/2007 concerning Transfer of Cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from Other States (Rwanda).
[122] See Constitution of the Republic of Rwanda, art 150.
[123] See Constitution of the Republic of South Africa 1996, s 178.

has played a crucial role in enhancing judicial independence since the 2010 constitution, provides a relevant African example[124].

3.3.2 Enhancing Capacity of the National Public Prosecution Authority (NPPA)

Strengthening the National Public Prosecution Authority (NPPA) is essential for effective prosecution of international crimes. Rwanda could consider establishing a specialized unit within the NPPA focused on international crimes, similar to Uganda's International Crimes Division[125]. This unit could be staffed by prosecutors with expertise in international criminal law and could work closely with international partners to build capacity.

To further enhance judicial independence, Rwanda could consider establishing a Judicial Ombudsman office, similar to the one in South Africa . This office could be mandated to receive and investigate complaints against judges, promoting accountability while protecting judges from undue influence or retaliation.

Another potential reform could be the introduction of public hearings for judicial appointments, similar to the practice in some jurisdictions like the United States. This would increase transparency in the appointment process and allow for public scrutiny of candidates' qualifications and integrity.

Rwanda could also consider implementing a system of financial disclosure for judges, requiring them to regularly declare their assets and financial interests. This practice, which is followed in countries like India, can help prevent conflicts of interest and enhance public trust in the judiciary

Again, Rwanda could strengthen the security of tenure for judges by amending the constitution to require a supermajority vote in parliament for the removal of judges, rather than a simple majority. This approach, adopted in countries like Kenya, provides an additional safeguard against politically motivated removals of judges .

In addition to establishing a specialized unit for international crimes, the NPPA could benefit from the creation of a dedicated forensic division. This division could focus on developing expertise in areas such as digital forensics, financial investigations, and forensic

[124] See Judiciary of Kenya, 'The Judicial Service Commission' https://www.judiciary.go.ke/about-us/judicial-service-commission/ accessed 13 September 2024.
[125] See The Judicature (High Court) (International Crimes Division) Rules, 2015 (Uganda).

anthropology, all of which are crucial for effectively investigating and prosecuting complex international crimes .

The NPPA could also establish a victim and witness support unit, drawing on best practices from international tribunals. The Victims and Witnesses Section of the ICC, for instance, provides psychological support, protective measures, and logistical assistance to victims and witnesses . Implementing a similar unit within the NPPA could enhance Rwanda's capacity to handle sensitive cases involving international crimes.

Furthermore, the NPPA could develop a comprehensive electronic case management system, similar to the one used by the Office of the Prosecutor at the ICC. Such a system would allow for better tracking of cases, efficient allocation of resources, and improved coordination among different prosecutorial teams.

Lastly, the NPPA could establish a Knowledge Management Unit responsible for capturing, organizing, and disseminating institutional knowledge and best practices. This unit could maintain a database of jurisprudence, investigation techniques, and lessons learned, ensuring that valuable expertise is retained even as individual prosecutors come and go.

Furthermore, implementing a comprehensive case management system, like the one used by the Office of the Prosecutor at the ICC, could enhance the NPPA's efficiency in handling complex international crime cases[126]. This would allow for better tracking of cases, evidence management, and coordination among different prosecutorial teams.

3.3.3 Reforming Rwanda's Witness Protection Programs

To improve witness protection programs and ensure safety and reliability in prosecutions, Rwanda could consider several reforms. First, expanding the scope of witness protection beyond the courtroom to include comprehensive pre-trial and post-trial protection measures would enhance witness security and encourage more witnesses to come forward.

Second, Rwanda could establish an independent witness protection agency, separate from the prosecution, to manage witness protection. This would help address concerns about potential conflicts of interest and enhance the perceived impartiality of the protection program

[126] See Office of the Prosecutor, 'Strategic Plan 2016-2018' (International Criminal Court, 16 November 2015) https://www.icc-cpi.int/iccdocs/otp/EN-OTP_Strategic_Plan_2016-2018.pdf accessed 13 September 2024.

Third, Rwanda could consider implementing more robust measures for protecting the identity of witnesses, such as the use of pseudonyms and voice distortion technology in court proceedings. The case of Prosecutor v. Ngirabatware at the ICTR, where witness protection measures were crucial, could serve as a model for such reforms[127].

Additionally, Rwanda could enhance international cooperation in witness protection, particularly for cases involving international crimes. This could involve entering into agreements with other countries for the relocation of high-risk witnesses, similar to the practices of international criminal tribunals

These reforms would not only improve the safety of witnesses but also enhance the integrity and effectiveness of prosecutions for international crimes in Rwanda.

3.4 Engagement with International Criminal Justice Institutions

The section 3.4 discusses more on the engagement with international criminal justice system.

3.4.1 Increased Cooperation with the ICC and ICTR

Despite not being a party to the Rome Statute, Rwanda could benefit from increased cooperation with the ICC. This could involve technical exchanges, participation in the ICC's Legal Tools Project, and engagement in the Assembly of States Parties as an observer[128]. Such cooperation could provide Rwanda with valuable insights into international best practices without compromising its sovereignty.

Again, Rwanda could build on its cooperation with the International Residual Mechanism for Criminal Tribunals (IRMCT), which continues the work of the ICTR. Enhanced collaboration in areas such as witness protection and evidence preservation could strengthen Rwanda's capacity to handle international crimes[129].

In addition to technical exchanges and participation in the ICC's Legal Tools Project, Rwanda could explore the possibility of entering into a cooperation agreement with the ICC, similar to

[127] See Prosecutor v. Augustin Ngirabatware, Case No. MICT-12-29-R, Review Judgment (27 September 2019).
[128] See International Criminal Court, 'Legal Tools Project' https://www.legal-tools.org/ accessed 13 September 2024.
[129] See United Nations Security Council Resolution 1966 (22 December 2010) UN Doc S/RES/1966.

those concluded between the ICC and the United Nations or the European Union[130]. Such an agreement could facilitate information sharing, technical assistance, and capacity building without requiring Rwanda to become a party to the Rome Statute.

Rwanda could also consider establishing a dedicated liaison office to coordinate with the International Residual Mechanism for Criminal Tribunals (IRMCT). This office could streamline communication, facilitate evidence sharing, and coordinate witness protection efforts. The liaison office model has been successfully implemented by countries like Bosnia and Herzegovina in their cooperation with international tribunals[131].

Furthermore, Rwanda could take a more active role in regional initiatives related to international criminal justice. For instance, it could engage more closely with the African Court on Human and Peoples' Rights, particularly as the court moves towards implementing its expanded jurisdiction over international crimes as provided for in the Malabo Protocol[132]. This engagement could involve seconding Rwandan legal experts to the court or hosting training programs for African judges and lawyers on international criminal law.

Lastly, Rwanda could consider establishing a specialized unit within its Ministry of Justice dedicated to international cooperation in criminal matters. This unit could handle mutual legal assistance requests, extradition proceedings, and other forms of international judicial cooperation related to international crimes. The Central Authority for Mutual Legal Assistance in the United Kingdom provides a useful model for such a unit[133].

3.4.2 Ratification of the Rome Statute

While Rwanda has expressed reservations about joining the ICC, a reconsideration of this position could be beneficial. Ratification of the Rome Statute would allow Rwanda to participate fully in shaping the development of international criminal law. It would also

[130] See Negotiated Relationship Agreement between the International Criminal Court and the United Nations (adopted 4 October 2004) ICC-ASP/3/Res.1.
[131] See Olga Martin-Ortega, 'Prosecuting War Crimes at Home: Lessons from the War Crimes Chamber in the State Court of Bosnia and Herzegovina' (2012) 12 International Criminal Law Review 589.
[132] See Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (adopted 27 June 2014).
[133] See UK Central Authority, 'International Mutual Legal Assistance' (Gov.uk, 26 March 2013) https://www.gov.uk/guidance/mutual-legal-assistance-mla-requests accessed 14 September 2024.

reinforce Rwanda's commitment to fighting impunity and could enhance its standing in the international community.

The experience of other African states, such as Kenya, which has navigated complex relationships with the ICC, could provide valuable lessons for Rwanda[134]. Kenya's engagement with the ICC, despite initial challenges, has led to significant domestic legal reforms and capacity building in its judiciary[135].

While Rwanda has expressed reservations about joining the ICC, a phased approach to engagement could be considered. This could begin with Rwanda becoming an observer state to the Assembly of States Parties (ASP) of the ICC, which would allow it to participate in discussions and negotiations without full membership obligations.

Rwanda could also consider implementing the principle of complementarity in its domestic legal system, even without ratifying the Rome Statute. This could involve amending national laws to ensure that Rwanda has the legal framework to prosecute all ICC crimes domestically. The Democratic Republic of Congo, for example, has implemented complementarity through its Military Justice Code, even though it faces challenges in practical application.

Another step could be for Rwanda to ratify the Agreement on Privileges and Immunities of the ICC (APIC). This would demonstrate Rwanda's commitment to supporting the work of the ICC, even if it is not yet ready for full membership. Countries like Ukraine have taken this approach, ratifying the APIC while not being party to the Rome Statute.

Finally, Rwanda could consider entering into bilateral agreements with ICC member states for cooperation on matters related to international criminal justice. Such agreements could cover areas like evidence sharing, witness protection, and enforcement of sentences. The cooperation agreement between the ICC and the European Union provides a potential model for such arrangements.

[134] See Thomas Obel Hansen, 'The International Criminal Court and the Political Economy of Anti-Impunity in Kenya' (2018) 6 International Journal of Transitional Justice 365.
[135] ibid.

3.5 Role of Training and Capacity Building

The section 3.5 discusses the role of training and capacity building in maintaining the implementation of international criminal law to the international set standards.

3.5.1 Judicial and Legal Training in International Criminal Law

Comprehensive training programs in international criminal law for judges, prosecutors, and defense lawyers are crucial. Rwanda could collaborate with international organizations like the International Association of Prosecutors or the International Bar Association to develop tailored training programs[136]. These could cover topics such as elements of international crimes, modes of liability, and procedural aspects of trying international crimes.

The experience of the Extraordinary Chambers in the Courts of Cambodia (ECCC) in providing ongoing training to national judges and lawyers in international criminal law could serve as a model for Rwanda[137]. Such training has been crucial in building local capacity to handle complex international criminal cases.

In addition to collaborating with international organizations, Rwanda could establish a dedicated International Criminal Law Training Institute. This institute could offer specialized courses for judges, prosecutors, defense lawyers, and other legal professionals involved in international criminal cases. The International Criminal Law and Procedure Expert Course offered by the T.M.C. Asser Institute in The Hague could serve as a model for curriculum development .

Rwanda could also implement a mandatory continuing legal education (CLE) program focused on international criminal law for all judges and lawyers handling such cases. This approach has been successfully implemented in countries like Canada, where lawyers are required to complete a certain number of CLE hours annually to maintain their license .

Furthermore, Rwanda could develop a comprehensive e-learning platform on international criminal law, making training materials and resources accessible to legal professionals across

[136] See International Association of Prosecutors, 'Training' https://www.iap-association.org/Training accessed 13 September 2024.

[137] See David Scheffer, 'The Extraordinary Chambers in the Courts of Cambodia' in M Cherif Bassiouni (ed), International Criminal Law (3rd edn, Martinus Nijhoff Publishers 2008).

the country. The ICC's Legal Tools Database, which provides free access to a wide range of legal resources on international criminal law, could serve as an inspiration for such a platform .

Lastly, Rwanda could establish a mentorship program pairing experienced international criminal law practitioners with local judges and lawyers. This could involve both domestic mentors and international experts. The International Bar Association's eyewitness to Atrocities project, which pairs experienced international criminal lawyers with local practitioners, provides a useful model for such a mentorship program.

3.5.2 Strengthening Rwanda's Capacity to Prosecute Complex Crimes

Enhancing Rwanda's capacity to prosecute complex international crimes requires a multifaceted approach. This could include establishing partnerships with international academic institutions to provide advanced training in international criminal law, forensic investigations, and case management.

Rwanda could also consider establishing a specialized unit for investigating and prosecuting international crimes, similar to the War Crimes Unit in Bosnia and Herzegovina[138]. This unit could focus on developing expertise in areas such as command responsibility, joint criminal enterprise, and the contextual elements of international crimes.

Again, Rwanda could benefit from increased participation in regional and international networks focused on international criminal justice. For instance, engagement with the Africa Group for Justice and Accountability could provide valuable opportunities for knowledge exchange and capacity building[139].

In addition to establishing partnerships with international academic institutions, Rwanda could create a national center of excellence for the investigation and prosecution of international crimes. This center could conduct research, develop best practices, and provide specialized training on topics such as digital evidence collection, financial investigations related to atrocity crimes, and victim and witness management in complex cases.

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[138] See OSCE Mission to Bosnia and Herzegovina, 'War Crimes Processing Project' https://www.osce.org/bih/106868 accessed 13 September 2024.

[139] See Africa Group for Justice and Accountability, 'About Us' https://www.wayamo.com/africa-group-for-justice-and-accountability/ accessed 13 September 2024.

Rwanda could also implement a rotation program for prosecutors and investigators, allowing them to gain experience in different types of complex cases. This could include secondments to specialized units handling terrorism, cybercrime, and transnational organized crime cases, as these often involve investigative techniques relevant to international crimes. The United Kingdom's Specialist Prosecutor Programme, which rotates prosecutors through different specialized crime units, provides a potential model.

Furthermore, Rwanda could establish a joint task force model for investigating and prosecuting international crimes, bringing together prosecutors, investigators, forensic experts, and analysts. This multidisciplinary approach has been successfully employed in countries like Argentina in investigating complex human rights cases.

Lastly, Rwanda could develop a comprehensive witness protection program specifically designed for international criminal cases. This program could draw on best practices from other jurisdictions and international tribunals. The witness protection measures implemented by Colombia's Special Jurisdiction for Peace, which include both physical protection and psychosocial support, could provide valuable insights.

GENERAL CONCLUSION AND RECOMMENDATIONS FOR IMPROVEMENT

4.General Conclusion

The study aimed at critically evaluating Rwanda's implementation of international criminal law in relation to international standards, focusing on the tension between maintaining legal sovereignty and conforming to global norms. It was found that while Rwanda has made significant progress in incorporating international criminal law into its domestic legal framework, there remain significant gaps in areas such as judicial independence, fair trial standards, and full alignment with international norms like the Rome Statute.

The study also aimed at examining the extent to which Rwanda's legal framework and practices in international criminal law align with international standards. It was found that while Rwanda has incorporated several key international criminal law concepts, such as the definitions of genocide and crimes against humanity, the country has not fully aligned with international mechanisms like the ICC, largely due to concerns over sovereignty specific historical background of the country.

Additionally, the research aimed at investigating the challenges Rwanda faces in balancing the implementation of international criminal law with its national interests and legal traditions. It was found that Rwanda faces the typical challenges such as Witness Protection and Fair Trial Concerns , Extradition and International Cooperation , Capacity Building and Resource Constraints and Legal Framework Harmonization. Finally, the study aimed to propose mechanisms for improving Rwanda's implementation of international criminal law, and it was found that a combination of legal reforms, institutional strengthening and enhanced international engagement as well as cooperation in capacity building would be necessary to address these challenges effectively.

5. Recommendations for improvement

Pursuant to the finings above, the recommendations are drawn as follow:

5.1 Recommendations to the Rwanda Law Reform Commission

The Rwanda Law Reform Commission should prioritize a thorough review of the Penal Code to ensure full compliance with international criminal law standards. This review should focus on aligning Rwanda's definitions of crimes against humanity and war crimes with the Rome Statute, particularly removing any deviations, such as the unique provisions concerning "extermination of albinos." The inclusion of the crime of aggression, as defined by the Kampala amendments, would also demonstrate Rwanda's commitment to comprehensive international justice. These reforms are crucial to ensure that Rwanda's legal framework is both consistent with international norms and adaptable to future developments in international law.

5.2 Recommendations to the Rwandan Legislative Organ

The Rwandan Legislative Organ should introduce amendments that guarantee life tenure for judges, thereby strengthening judicial independence. This would reduce the potential for executive interference and ensure that judicial decisions, particularly in cases of international crimes, are made free from political pressure. Additionally, legislative reforms should include clearer provisions for command responsibility in the Penal Code, ensuring that high-level perpetrators can be held accountable for crimes committed under their authority. Such reforms would align Rwanda's domestic legal standards more closely with international expectations of accountability for international crimes.

5.3 Recommendations to the Ministry of Justice

The Ministry of Justice should establish specialized training programs for judges, prosecutors, and defense attorneys in international criminal law. This would build capacity within the Rwandan legal system, ensuring that professionals involved in prosecuting international crimes are well-equipped to handle complex cases in line with international standards. Moreover, the Ministry should create a comprehensive victim and witness protection program that mirrors the systems used by international tribunals. Effective protection measures would encourage greater participation in trials and enhance the fairness of Rwanda's judicial process.

5.4 Recommendations to the National Public Prosecution Authority (NPPA)

The NPPA should establish a specialized unit dedicated to prosecuting international crimes, similar to Uganda's International Crimes Division. This unit should be staffed with prosecutors who are experts in international criminal law, which would ensure that cases involving crimes such as genocide, war crimes, and crimes against humanity are handled with the necessary expertise. The NPPA should also develop a digital case management system to improve the efficiency of handling large and complex cases, ensuring better coordination and tracking of cases from investigation to prosecution.

5.5 Recommendations to the Rwandan Judicial Organ

The Rwandan Judicial Organ should consider establishing a specialized chamber within the Supreme Court to handle appeals in cases involving international crimes. This would ensure that such cases are reviewed by judges with expertise in international criminal law, improving the quality of legal decisions. Additionally, the judiciary should enhance transparency in judicial proceedings by mandating detailed written decisions for all international crime cases. This transparency would help build public trust in the judiciary and promote a deeper understanding of legal reasoning in complex international cases.

5.6 Recommendations to Other Relevant Institutions

Other institutions, such as civil society organizations and international partners, should play an active role in monitoring Rwanda's compliance with international criminal law standards. International NGOs should continue to provide independent oversight, raising concerns when fair trial standards are compromised. Additionally, academic institutions could collaborate with the judiciary and the NPPA to develop research and training programs that promote continuous learning in international criminal law. These partnerships would contribute to building a robust legal system capable of addressing both national and international justice challenges effectively.

These recommendations are essential to enhance Rwanda's capacity to fully implement international criminal law while preserving its sovereignty. Legal and institutional reforms, along with enhanced capacity-building efforts, would not only improve Rwanda's adherence

to international standards but also strengthen its justice system in addressing future challenges..

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